

Remarks

The applicant has presented amendments to the claims which, when coupled with the following remarks address each and every issue raised by the Office and places the claims, or confirms that the claims are, in condition for allowance. In general, in this response the applicant cancels claims 1-2 and 20, amends claims 3, 5 - 12, 14, 16 and 18 and resubmits claims 4, 13, 15, 17 and 19.

Claim Rejections – 35 USC § 112

The Office has rejected claims 3 and 6 under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The applicant has amended claim 3 to more specifically indicate that the qualifying step is based on received information pertaining to the customer in view of underwriting criteria. The applicant has also amended claim 6 to depend from amended claim 3 and as such, this issue is also resolved for claim 6. The applicant submits that these amendments to claim 3 and 6 overcome the Office's rejection.

Claim Rejections – 35 USC § 102

The Office has rejected claims 1-4, 6-7, 9 and 11 under 35 U.S.C. 102(e) as being anticipated by United States Patent Number 6,473,500 awarded to Risafi et al. The applicant presents arguments in opposition to the Office's rejections.

The applicant has canceled claims 1 and 2 and has amended claim 3 to include all of the limitations of claim 1. Further with regards to claim 3, the Office alleges that column 8, lines 15-52 of Risafi described the recited element of qualifying the particular customer. The

applicant respectfully disagrees. The passage in Risafi cited by the Office, as well as the rest of the Risafi patent do not describe, suggest or teach such an element. In fact, Risafi describes depositing earned funds into a prepaid card account for an employee and as such, there is no need to qualify the particular customer, and in fact there is no customer at all. The funds are for an employee and the funds are deposited without conducting any effort to qualify the employee. In fact, the employee would be deemed qualified due to the fact that the employee has earned the wages. And further, the added recitation that the step of qualifying the particular customer based on received information pertaining to the customer in view of underwriting criteria is likewise not described in Rasafi. Distributing payroll funds through a prepaid card does not entail any underwriting aspects whatsoever. Thus, the applicant submits that claim 3 is in condition for allowance and respectfully requests the Office to issue such allowance.

With regards to claim 4, the Office has alleged that Risafi describes extracting the funds from the direct deposit account. The Office cites broad sweeping passages from the reference that simply do not describe, suggest or teach this element. In fact, every mention of a direct deposit account in Risafi states quite the opposite. The overall purpose of Risafi is to create an instrument that provides funding to an employee WITHOUT having to deposit funds into a direct deposit account. As such, trying to read Risafi on this element of the claim would operate to destroy the purpose of the Risafi reference. Thus, the applicant respectfully contends that claim 4 is in condition for allowance. Further, claim 4 depends from claim 3 which is also in condition for allowance and as such, claim 4 is in condition for allowance.

With regards to claim 6, the Office alleges that Risafi describes the recited element of qualifying the particular customer. The applicant disagrees. Risafi does not describe this element but rather, issues earned money to an employee without any qualifying step. Further,

claim 6 has been amended to depend from claim 3 which further limits this qualification step. Thus, the applicant respectfully submits that claim 6 is in condition for allowance.

With regards to claims 7-9, these claims have been amended to depend from allowable claim 3 and as such, are in condition for allowance.

With regards to claim 11, this claim has been amended to depend from allowable claim 10 as further discussed below.

Claim Rejections – 35 USC § 103

The Office has rejected claims 5 and 10 under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. in view of United States Patent Application Publication Number 20010034676.

With regards to both claims 5 and 10, the Office alleges that Risafi et al. teaches gaining access to a direct deposit account of a particular customer and extracting funds from the direct deposit account. The applicant disagrees. In fact, quite to the contrary Risafi teaches directly away from this recited element stating that rather than depositing funds into a direct deposit account, the employer pays the employee directly by issuing prepaid cards.

Further, the Office alleges that claims 5 and 10 describe the recited element of qualifying the particular customer based on received information pertaining to the customer in view of underwriting criteria. As described above, this is simply not described, suggested or taught in Risafi and as such, claims 5 and 10 are in condition for allowance. Claim 5 has been amended to incorporate each of the elements of the base and intervening claims. Claim 10 has been amended to depend from allowable claim 3.

With regards to claim 8, the Office's rejection is rendered moot by having amended claim 8 to depend from allowable claim 3.

With regards to claims 12-17 and 19-20, the Office has rejected the claims as being unpatentable over United States Patent Number 5,866,889 issued to Weiss et al. in view of United States Application Number 20010034676 filed in the name of Vasic. The applicant has reviewed each of the references, paying particular attention to the passages cited by the Office. The applicant contends that the cited references do not disclose the elements of the claims and that the general descriptions in the cited passages do not achieve the recited elements. Nonetheless, in the interest of furthering this case towards allowance, the applicant has amended claims 12 and 16 to further clarify the various elements of the claimed invention. The applicant is at a loss as to how to specifically address the Office's rejections in that the Office cites large sections of the cited references that only generally address technology that is related to the recited claims. The applicant invites the Office to specifically point to the exact text to which the Office alleges describes the recited elements.

With regards to claim 18, the applicant has amended the claim to more specifically indicate that the rejected transactions are ones that are typically allowed by such an automated teller machine but that in the recited claim, such transactions are prohibited. The applicant asserts that the Office's official notice does not cover such a claimed aspect and request the Office to retract this rejection or produce art that supports the Office's position.

Claim 20 has been canceled without prejudice.

Conclusion

Applicant respectfully submits that the currently pending claims are in condition for allowance and respectfully requests that the case be processed to issuance. If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

/Gregory Scott Smith/

By: _____
Gregory Scott Smith
Reg. No. 40,819
Attorney for Applicant

Smith Frohwein Tempel Greenlee Blaha LLC
Two Ravinia Drive, Suite 700
Atlanta, Georgia 30346
(770) 804-9070